

REMARKS/ARGUMENTS**I. Introduction**

This amendment is in response to the Office Action dated December 17, 2003. In the Office Action the Examiner objected to the Abstract for being more than 150 words in length. In addition, the Examiner objected to page 1 of the application for failing to provide the serial number of a referenced patent application. Applicants have amended the abstract and the first page of the application to address and overcome each of the Examiner's objections.

With regard to the claims, the Examiner indicated that claims 7-16, 23-32 and 39-48 were directed to allowable subject matter. However, these claims were objected to for depending from a rejected claim.

In the Office Action the Examiner indicated that claims 1, 3-6, 17, 19-22, 33, and 35-38 were being rejected as being unpatentable over Baum et al. (U.S. Patent No. 5,867,478) in view of Kumar et al (US 2001/0043578 which issued as U.S. Patent 6,507,568). In addition the Examiner rejected claims 2, 18 and 34 under 35 USC §103(a) as being obvious over Baum et al. (U.S. Patent No. 5,867,478) in view of Kumar et al (US 2001/0043578) further in view of Laroia et al (US 6,473,418).

The Examiner's objections have been addressed by the amendments made herein. Each of the Examiner's rejections will now be addressed and overcome.

II. Statement of Common Ownership

The undersigned attorney of record hereby states:

The present patent application, S.N. 09/551,078, and U.S. Patent. No. 6,473,418 to Laroia et al. and Published US Application 2001/0043578 to Kumar et al which issued as U.S. Patent 6,507,568 were, at the time the invention of Application 09/551,078 was made, all owned by Lucent Technologies, Inc.

IIII. All of the pending claims are patentable.

In view of the above statement of common ownership provided on a separate sheet of paper in a conspicuous manner in accordance with MPEP § 706.02(I)(3) the Laroia et al. and Kumar et al references are not available as prior art against the present application since the inventors were under an obligation to assign to the common assignee (Lucent Technologies, Inc.) at the time the invention was made. Since each of the prior art rejections relies on either the Kumar et al. published application and/or Laroia et al. patent, which can not now be used to reject the claims all of the prior art rejections have been overcome.

Applicants note that a review of the Assignment records will show a transfer of ownership of the present application from Lucent Technologies, Inc. to Flarion Technologies, Inc. after the original application was filed. This transfer explains why Lucent Technologies, Inc is not listed as the current assignee.

IV. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that that the pending claims are patentable and that the Application is in condition for allowance.

In the event that there are any outstanding issues which need to be resolved before the Examiner can allow the present application, it is requested that the Examiner call Applicant's undersigned representative to discuss said issues.

Respectfully submitted,

March 12, 2004

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

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Michael P. Straub  
Signature

March 12, 2004  
Date